

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

LETICIA LEE,

Plaintiff,

v.

WARNER MEDIA, LLC; HBO HOME
ENTERTAINMENT, INC.; WARNER BROS.
WORLDWIDE TELEVISION DISTRIBUTION
INC.; NBC UNIVERSAL TELEVISION
STUDIO DIGITAL DEVELOPMENT LLC; CBS
BROADCASTING INC.; GRAMMNET NH
PRODUCTIONS,

Defendants.

Case No. 6:23-cv-06025-FPG

Removed From:

Supreme Court of the State of New
York, County of Ontario

Index No.: 134539-2022

**DECLARATION OF ELIZABETH A. MCNAMARA IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

I, Elizabeth A. McNamara, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner at the law firm of Davis Wright Tremaine LLP, attorneys for Defendants Warner Media, LLC, HBO Home Entertainment, Inc., Warner Bros. Worldwide Television Distribution Inc., NBC Universal Television Studio Digital Development LLC, CBS Broadcasting Inc., and Grammnet NH Productions (collectively, "Defendants") in the above-captioned matter.

2. On January 4, 2023, and January 11, 2023, at my direction, a colleague at my law firm submitted requests for deposit material with the U.S. Copyright Office for Plaintiff's two allegedly infringed works: (1) a treatment for her show "Girlfriends," with Registration No. PAu1544414 and (2) a script for a "Girlfriends" episode titled "Sasha Says," with Registration No. PAu1594108.

3. On January 12, 2023, at my direction, a colleague at my law firm also sent Plaintiff LeTicia Lee (“Plaintiff”) a text message, requesting that Plaintiff send Defendants’ counsel her allegedly infringed, registered works. Plaintiff did not respond.

4. On January 31, 2023, Defendants’ counsel received the deposit material for the “Girlfriends” treatment, with Registration No. PAu1544414.

5. On January 17, 2023, my colleague received an email from the U.S. Copyright Office stating that the “Sasha Says” episode script, with Registration No. PAu1594108, “has been misplaced/misfiled at our storage facility, therefore, we are unable to locate the work and provide a copy at this time.” The U.S. Copyright Office further stated that a “completion date for this task is not available at this time.” Attached as **Exhibit A** is a true and correct copy of that email.

6. On January 27, 2023, my colleague received a further response from the U.S. Copyright Office stating that, with respect to Registration No. PAu1594108, “resources used in determining location confirm that a location can’t be determined and therefore [the Copyright Office is] unable to fulfill the request for deposit copies.” Attached as **Exhibit B** is a true and correct copy of that email.

7. To date, Defendants have been unable to obtain a copy of Registration No. PAu1594108 from either Plaintiff or the U.S. Copyright Office.

8. I also submit this declaration to annex documents relevant to Defendants’ motion to dismiss Plaintiff’s Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6). These documents—Plaintiff’s treatment with Registration No. PAu1544414; and Season One of each of Defendants’ television series (“Living Single,” “Friends,” “Sex and the City,” and “Girlfriends”)—are integral to Plaintiff’s copyright infringement claim, and are thus properly

before the Court on Defendants' Rule 12(b)(6) motion. *See Peter F. Gaito Architecture, LLC v. Simone Dev. Corp.*, 602 F.3d 57, 64 (2d Cir. 2010).

9. Annexed hereto as **Exhibit C** is a true and correct copy of Plaintiff's treatment for "Girlfriends," with Registration No. PAu1544414, as received from the Copyright Office.

10. Annexed hereto as **Exhibit D** is a true and correct copy of Season One of Defendants' television series, "Living Single." As Season One of "Living Single" is found on a DVD, it will be manually filed with the Court under separate cover.

11. Annexed hereto as **Exhibit E** is a true and correct copy of Season One of Defendants' television series, "Friends." As Season One of "Friends" is found on a DVD, it will be manually filed with the Court under separate cover.

12. Annexed hereto as **Exhibit F** is a true and correct copy of Season One of Defendants' television series, "Sex and the City." As Season One of "Sex and the City" is found on a DVD, it will be manually filed with the Court under separate cover.

13. Annexed hereto as **Exhibit G** is a true and correct copy of Season One of Defendants' television series, "Girlfriends." As Season One of "Girlfriends" is found on a DVD, it will be manually filed with the Court under separate cover.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 6, 2023

Respectfully submitted,

/s/ Elizabeth A. McNamara

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